

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

MIRENA IUS LEVONORGESTREL-RELATED
PRODUCTS LIABILITY LITIGATION (NO. II)

17 MD 2767
17 MC 2767

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has reviewed the submissions by Bayer in connection with its application for costs, *see* Dkts. 351–53, and plaintiffs' submissions in opposition, *see* Dkts. 354, 354-1.

Although respectful of the fact that Bayer incurred customarily compensable costs in the course of prevailing in this litigation, the Court has considerable concerns about, *inter alia*, the practicability of Bayer's application to tax the more than 900 plaintiffs in this multi-district litigation with their respective shares of costs, including for the various reasons articulated by plaintiffs' counsel. The Court urges Bayer to reassess whether the process of pursuing such costs is ultimately productive and time-efficient. Should Bayer continue after such review to pursue an award of costs, the Court asks that Bayer submit a memorandum of law in response to plaintiffs' submission. Such a memorandum is due March 23, 2021.

In the event that Bayer elects to pursue this application, in light of the nature of the issues presented, the Court, rather than the Clerk of Court, will address Bayer's application in the first instance.

SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER
United States District Judge

Dated: March 9, 2021
New York, New York